

5/4/18
1:00 P.M.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA	:	Hon. Madeline Cox Arleo
v.	:	Crim. No. 15- 550 (mca)
RICHARD ADEBAYO and	:	18 U.S.C. § 1349
AMOS PETER AGBAJAIFE	:	18 U.S.C. § 1343
	:	18 U.S.C. § 1028A(a)(1)
	:	18 U.S.C. § 3146(a)(1)
		18 U.S.C. § 2

SUPERSEDING INDICTMENT

The Grand Jury in and for the District of New Jersey, sitting at Newark, charges:

Count One
(Conspiracy to Commit Wire Fraud)

Background

1. Between in or around March 2014 and in or around April 2014, defendants RICHARD ADEBAYO (“ADEBAYO”) and AMOS PETER AGBAJAIFE (“AGBAJIFE”) engaged in a credit card fraud scheme, pursuant to which the defendants: obtained personally identifying information, including names, dates of birth, social security numbers, addresses, phone numbers, passwords, and credit card account numbers, (the “PII”) of credit card holders (the “Cardholder Victims”); obtained replacement credit cards in the Cardholder Victims’ names (the “Fraudulent Cards”); and then used those Fraudulent Cards to purchase high-value items from retail stores.

The Conspiracy

2. From in or around March 2014 through in or around April 2014, in Essex, Bergen, and Passaic Counties, in the District of New Jersey and elsewhere, defendants

**RICHARD ADEBAYO and
AMOS PETER AGBAJAIFE**

did knowingly and intentionally conspire and agree with each other and others to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and, for the purpose of executing such scheme and artifice to defraud, did transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce, certain writings, signs, signals, pictures, and sounds, contrary to Title 18, United States Code, Section 1343.

Object of the Conspiracy

3. It was the object of the conspiracy for defendants RICHARD ADEBAYO and AMOS PETER AGBAJAIFE to fraudulently obtain money and property illegally through the credit card fraud scheme described herein.

Manner and Means of the Conspiracy

4. It was part of the conspiracy to defraud that defendant ADEBAYO obtained the PII of various Cardholder Victims, including, two specific individuals (“Cardholder Victim 1” and “Cardholder Victim 2”), in an effort to fraudulently secure various credit cards belonging to Cardholder Victims without their knowledge or consent.

5. It was further part of the conspiracy to defraud that defendants ADEBAYO and AGBAJAIFE fraudulently obtained credit cards in the names of Cardholder Victim 1 and Cardholder Victim 2 that were issued by credit card issuers because they were falsely told that the credit cards were lost and that replacement credit cards should be mailed to an address associated with defendants ADEBAYO and AGBAJAIFE located in or around Newark, New Jersey.

6. It was further part of the conspiracy to defraud that defendants ADEBAYO and AGBAJAIFE then used or attempted to use fraudulently obtained credit cards in the name of Cardholder Victim 1 ("Fraudulent Credit Card A" and "Fraudulent Credit Card B") and Cardholder Victim 2 ("Fraudulent Credit Card C") to purchase various goods at retail stores in or around New Jersey without the knowledge or consent of Cardholder Victim 1 and Cardholder Victim 2.

7. It was further part of the conspiracy that in or around March 2014 through in or around April 2014, defendants ADEBAYO and AGBAJAIFE attempted to purchase and purchased thousands of dollars worth of luxury goods, among other things, with Fraudulent Credit Card A, Fraudulent Credit Card B, and Fraudulent Credit Card C.

8. It was further part of the conspiracy to defraud that defendants ADEBAYO and AGBAJAIFE used means of wire communications in interstate and foreign commerce to execute their scheme in that each time fraudulently obtained credit cards, including Fraudulent Credit Card A, Fraudulent Credit Card B, and Fraudulent Credit Card C, were used at a retail store in New Jersey, a wire communication was relayed from New Jersey to a different state.

All in violation of Title 18, United States Code, Section 1349.

Counts Two through Nine
(Wire Fraud)

1. The allegations in Paragraph 1 and Paragraphs 3 through 8 of Count One of this Superseding Indictment are hereby incorporated and realleged as if set forth fully herein.

2. On or about the dates set forth below, in Bergen, Essex, and Passaic Counties, in the District of New Jersey and elsewhere, defendants

**RICHARD ADEBAYO and
AMOS PETER AGBAJAIFE**

having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises, and, for the purpose of executing and attempting to execute such scheme and artifice to defraud, did knowingly transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce, certain writings, signs, signals, pictures, and sounds, namely, wire communications pertaining to each of the credit card transactions described below, each constituting a separate count of this Indictment:

<u>Count</u>	<u>Approximate Date</u>	<u>Description</u>	<u>Approximate Amount</u>
Two	March 21, 2014	Purchase using Fraudulent Credit Card A at a retail store located in Essex County, New Jersey ("Store-1")	\$7,626
Three	March 21, 2014	Purchase using Fraudulent Credit Card A at Store-1	\$8,549
Four	March 22, 2014	Purchase using Fraudulent Credit Card A at a retail store located in Passaic County, New Jersey ("Store-2")	\$18,029
Five	March 22, 2014	Purchase using Fraudulent Credit Card A at a retail store located in Bergen County, New Jersey ("Store-3")	\$21,464
Six	March 22, 2014	Purchase using Fraudulent Credit Card A at a retail store located in Essex County, New Jersey ("Store-4")	\$5,403
Seven	March 22, 2014	Purchase using Fraudulent Credit Card A at Store-4	\$226
Eight	March 22, 2014	Purchase using Fraudulent Credit Card A at Store-4	\$944
Nine	March 22, 2014	Purchase using Fraudulent Credit Card A at a retail store located in Essex County, New Jersey ("Store-5")	\$17,124

All in violation of Title 18, United States Code, Section 1343 and

Section 2.

Count Ten
(Aggravated Identity Theft)

1. The allegations contained in Counts One through Ten of this Superseding Indictment are hereby incorporated and realleged as if set forth fully herein.

2. On or about March 22, 2014, in Passaic County, in the District of New Jersey and elsewhere, defendants

**RICHARD ADEBAYO and
AMOS PETER AGBAJAIFE**

did knowingly transfer, possess, and use, without lawful authority, a means of identification of another, namely, a credit card bearing the name and account number of Cardholder Victim 1 and a driver's license bearing the name of Cardholder Victim 1, during and in relation to a felony violation of a provision enumerated in Title 18, United States Code, Section 1028A(c), that is, wire fraud as set forth in Count Four.

In violation of Title 18, United States Code, Section 1028A(a)(1) and Section 2.

Count Eleven
(Aggravated Identity Theft)

1. The allegations contained in Count One of this Superseding Indictment are hereby incorporated and realleged as if set forth fully herein.
2. On or about April 1, 2014, in Essex County, in the District of New Jersey and elsewhere, defendants

**RICHARD ADEBAYO and
AMOS PETER AGBAJAIFE**

did knowingly transfer, possess, and use, without lawful authority, a means of identification of another, namely, a credit card bearing the name and account number of Cardholder Victim 2, during and in relation to a felony violation of a provision enumerated in Title 18, United States Code, Section 1028A(c), that is, conspiracy to commit wire fraud as set forth in Count One.

In violation of Title 18, United States Code, Section 1028A(a)(1) and Section 2.

Count Twelve
(Failure to Appear)

On or about August 30, 2016, in Essex County, in the District of New Jersey, and elsewhere, defendant

RICHARD ADEBAYO

having been charged with a violation of Title 18, United States Code, Section 1343 (an offense punishable by imprisonment for a term of 15 years or more), a violation of Title 18, United States Code, Section 1349 (an offense punishable by imprisonment for a term of 15 years or more), and a violation of Title 18, United States Code, 1028A(a)(1) (an offense punishable by imprisonment for a term of 2 years), and having been released pursuant to Chapter 207 of Title 18, United States Code, in connection with the aforementioned criminal charges, for appearance before the Honorable Madeline Cox Arleo, U.S.D.J., in Case No. 15-550, entitled *United States v. Richard Adebayo et al.*, did knowingly and willfully fail to appear before a court as required.

In violation of Title 18, United States Code, Section 3146(a)(1) and (b)(1)(A)(i).

Forfeiture Allegations as to Counts One through Nine

1. The allegations contained in Counts One through Nine of this Indictment are hereby realleged and incorporated by reference for the purpose of noticing forfeitures pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 981(a)(1)(C).

2. The United States hereby gives notice to the defendants charged in Counts One through Nine of this Indictment that, upon conviction of the offenses charged in those counts, the government will seek forfeiture, in accordance with Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 981(a)(1)(C), of any and all property, real or personal, that constitutes or is derived from proceeds traceable to the violations of Title 18, United States Code, Sections 1343 and 1349, alleged in Counts One through Nine of this Indictment, including but not limited to:

- a. A sum of money equal to at least \$100,000.00 in United States currency, representing the proceeds of the offense charged in this Information; and
- b. The items listed in Schedule A to this Indictment.

Substitute Assets Provision

3. If by any act or omission of the defendants, any of the property subject to forfeiture described above:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or
e. has been commingled with other property which cannot be subdivided without difficulty,

the United States of America will be entitled to forfeiture of substitute property up to the value of the property described above, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

/A TRUE BILL

FOREPERSON



CRAIG CARPENITO
United States Attorney

SCHEDULE A

1. Apple laptop computer, Model A1465, bearing serial number C02K5CDZDRV7, seized on or about April 1, 2014;
2. Black Apricorn 32 Gigabyte Thumb Drive, Model ASK-256, bearing serial number 032133300001121, seized on or about April 1, 2014;
3. Tan-colored Brooks Brothers shoes, women's size 9, seized on or about April 1, 2014;
4. White and tan-colored Brooks Brothers handbag seized on or about April 1, 2014;
5. Light grey and white-colored snakeskin Stuart Weitzman handbag seized on or about April 1, 2014;
6. Black-colored snakeskin Gucci handbag/duffle bag seized on or about April 1, 2014;
7. Mont Blanc, Rolex and Tag Heuer watch cases seized on or about April 1, 2014;
8. Hugo Boss watch with a silver-colored face and white-colored plastic watchband with the words "Boss Hugo Boss" and watch case seized on or about April 1, 2014;
9. Silver-colored Mont Blanc chain necklace with rectangular diamond pendant seized on or about April 1, 2014;
10. Silver-colored Mont Blanc ring with diamonds seized on or about April 1, 2014;
11. Diamond stud earrings from Zales seized on or about April 1, 2014;
12. 36mm 18 karat gold and steel Rolex watch with a diamond dial and diamond bezel, serial number G096820, seized on or about April 1, 2014;
13. Black-colored stainless steel Gucci watch with diamond bezel, serial number 12896776, seized on or about April 1, 2014;
14. Tag Heuer "Grand Carrera" CAV514B watch with brown leather band, serial number 1692159, seized on or about April 1, 2014;
15. Dark brown leather Salvatore Ferragamo messenger bag seized on or about April 1, 2014;

16. Burberry wallet seized on or about April 1, 2014;
17. Black Blackberry Smart Phone STL-100, bearing IMEI # 352922050393650 seized on or about September 17, 2013;
18. Black Blackberry Bold 9900 cellular telephone, bearing IMEI # 357966042107939 seized on or about September 17, 2013;
19. Silver San Disk (Cruzer Orbit 32 GB) flash drive seized on or about September 17, 2013;
20. Silver Apple Macbook Air Laptop computer, bearing serial number C02K54U4DRV7, seized on or about September 17, 2013;
21. Silver Apple desktop computer, bearing serial number C02N19JUF8J2, seized on or about September 19, 2014;
22. Black and graphite ASUS Model AR5B95 laptop computer, bearing serial number 13GNVK1XP03X-1, seized on or about September 19, 2014;
23. Black 128-Gigabyte Surface Note Pad computer bearing serial number 024244533753 seized on or about September 19, 2014;
24. White 64-Gigabyte Apple iPad, bearing serial number DLXG5FDEDKNY and IMEI number 012801002297486, seized on or about September 19, 2014;
25. White Apple iPad Mini, bearing serial number F4KJX9HBF197, seized on or about September 19, 2014;
26. Kyocera Model S2151 Kona cell phone, bearing serial number 268435462502782280, seized on or about September 19, 2014;
27. White HTC Model Desire 700 Dual Sim 7060 cell phone, bearing serial number FA41PWH01687 and IMEI numbers 359149050759705 and 359149050759713, seized on or about September 19, 2014;
28. Black Samsung-S5 Model SM-G900T smart phone, bearing serial number RV8F40CB0RL and IMEI number 351881/06/D85406/2, seized on or about September 19, 2014;
29. Black and grey Apple iPhone Model 5S, bearing IMEI number 358811056061367, seized on or about September 19, 2014;
30. Black T-Mobile Model OT-606A cell phone, bearing IMEI 013379003660928, seized on or about September 19, 2014;

31. Maroon BlackBerry Model BB8300 smart phone, bearing IMEI number 355772017399309, seized on or about September 19, 2014;
32. Pink T-Mobile Model 93442XQBSA cell phone, bearing IMEI number 358267009141618, seized on or about September 19, 2014;
33. Black and grey AT&T HTC cell phone, bearing serial number HT14HT206755 and IMEI number 357814041003073, seized on or about September 19, 2014; and
34. Maroon and brown Motorola Boost Mobile Model H98XAH6JR7AN cell phone, bearing serial number 364VKNSS42 and IMEI number 001700870204840, seized on or about September 19, 2014.

CASE NUMBER: 15-550

United States District Court
District of New Jersey

UNITED STATES OF AMERICA

v.

RICHARD ADEBAYO
and
AMOS PETER AGBAJIAFE

SUPERSEDING INDICTMENT FOR
18 U.S.C. §§ 1349, 1343, 1028A(a)(1),
3146(a)(1), and 2

A True Bill,

Foreperson

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